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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/575,317	05/10/2007	Peter Kenneth Stansby	3579 P 007	3635
7590 06/09/2009 McDERMOTT WILL & EMERY LLP 227 West Monroe Street Chicago, IL 60606-5096				
EXAMINER NGUYEN, HOANG M				
ART UNIT 3748		PAPER NUMBER		
MAIL DATE 06/09/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/575,317

Applicant(s)

STANSBY ET AL.

Examiner

Hoang M. Nguyen

Art Unit

3748

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S509)
Paper No(s)/Mail Date 7/17/06, 8/8/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

Claim 1 is objected to because in claim 1, line 3, the phrase "drift shaft" should be changed to --drive shaft--.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 18, 21, 23-26, are rejected under 35 U.S.C. 102(b) as being anticipated by US 5424582 (Trepl, II et al).

Trepl, II et al discloses a wave power generating plant comprising floats 22, 32, with counterweights 20, 34, a structure with drive shaft 12, alternator 54 for generating electricity, transmission 50, flywheel 52, clutch 18, cable 17; column 3, lines 17-30, disclose the concept that the floats has the natural frequency substantially resonant with the sea wave.

Claims 1, 3-10, 14-18, 21, 23-26, are rejected under 35 U.S.C. 102(b) as being anticipated by GB 2064665 (Salvatore).

Salvatore discloses a wave power generating plant comprising floats 24, 34, with counterweights 14, a structure with drive shaft 13, generator for generating electricity, transmission with flywheels 15-17 so that the floats has the natural frequency substantially resonant with the sea wave.

Claims 1, 4-10, 14-18, 21, 23-26, are rejected under 35 U.S.C. 102(b) as being anticipated by US 4319454 (Lucia).

Lucia discloses a wave power generating plant comprising floats 13, with counterweights, a structure with drive shaft 8, generator 18 for generating electricity, transmission with clutch and ratchet wheel 9 so that the floats has the natural frequency substantially resonant with the sea wave.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-13, 19-20, 22, are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. 4319454 (Lucia). Lucia discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose different wave lengths and natural frequencies. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the system in Lucia to be fitted with different wave lengths and frequencies for purpose of achieving appropriate power outputs.

Claims 11-13, 19-20, 22, are rejected under 35 U.S.C. § 103(a) as being unpatentable over GB 2064665 (Salvatore). Salvatore discloses all the claimed subject matter as set forth above in the rejection of claim 1, but does not disclose different

wave lengths and natural frequencies. However, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the system in Salvatore to be fitted with different wave lengths and frequencies for purpose of achieving appropriate power outputs.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Lagno, Tateishi, Navarro, Gerber et al, Epstein et al, La STella et al disclose wave power systems having floats with counterweights.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Examiner Nguyen whose telephone number is (571) 272-4861. The examiner can normally be reached on Tuesday--Friday from 12:30 AM to 10:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas E. Denion can be reached on 571-272-4859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hoang M Nguyen/
Primary Examiner, Art Unit 3748

HOANG NGUYEN
PRIMARY EXAMINER
ART UNIT 3748

Hoang Minh Nguyen
6/8/2009